

REMARKS/ARGUMENTS

Prior to entry of this amendment, claims 1-11 are pending in the present application. Claims 12-24 have been added. Claims 1, 5 and 17 are independent. No new matter has been added.

Applicants appreciate the Examiner's acknowledgement of applicants' claim for foreign priority and receipt of a certified copy of the priority document.

Applicants further appreciate the Examiner's acceptance of the drawings filed on July 25, 2003.

Applicants also appreciate the Examiner's consideration of the Information Disclosure Statement (IDS) filed July 25, 2003. In connection with the next Office action, applicants respectfully request the Examiner consider the IDS filed on March 3, 2005.

Claims 1-24 are presented to the Examiner for further or initial prosecution on the merits.

A. Introduction

In the Office action dated April 19, 2005, the Examiner rejected claims 1-3 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,973,823 to Koops et al. ("the Koops et al. reference"), rejected claims 1-4 under 35 U.S.C. §102(b)* as being anticipated by U.S. Patent Application Publication No. US2004/0001246 to Albu et al. ("the Albu et al. reference"), and allowed claims 5-11.

B. Asserted Anticipation Rejections of Claims 1-4

In the Office action, the Examiner rejected claims 1-3 under 35 U.S.C. §102(b) as being anticipated by the Koops et al. reference and rejected claims 1-4 under 35 U.S.C. §102(b) as being anticipated by the Albu et al. reference. These rejections are respectfully traversed for at least the reasons set forth below.

* It is noted that 102(e) is the proper basis for qualification of this reference.

While the Koops et al. reference may disclose needle shaped crystals 2 arranged in a multi-dimensional pattern, gaps between the needle shaped crystals 2 being filled with an optically transparent material 6, and electrodes 8 above and below the resultant structure, it is respectfully submitted that the Koops et al. reference fails to disclose or suggest that the electrodes 8 are transparent. Since the light passes through the photonic crystal along a path parallel with the electrodes 8, i.e., does not pass through the electrodes 8, in the Koops et al. reference, there is no motivation to make these electrodes 8 transparent. Therefore, it is respectfully submitted that the Koops et al. reference fails to disclose or suggest the present invention as recited in claim 1.

Similarly, while the Albu et al. reference may disclose a liquid crystal 60 between an electrode plate 30 and a plurality of electrode pixels 51a-59i, it is respectfully submitted that the Albu et al. reference fails to disclose or suggest that the electrode plate 30 or the plurality of electrode pixels 51a-59i are transparent. Since the light passes through the photonic crystal along a path parallel with the electrode, i.e., does not pass through the electrode, there is no motivation to make these electrodes transparent. *See, for example, the Albu et al. reference, paragraph [0020].* Therefore, it is respectfully submitted that the Albu et al. reference fails to disclose or suggest the present invention as recited in claim 1.

The remaining rejected claims depend from claim 1, and are believed to be allowable for at least the reasons set forth above. Therefore, it is respectfully requested that these rejections be withdrawn.

C. Allowable Subject Matter

The indication that claims 5-11 contain allowable subject matter is gratefully acknowledged. However, it is respectfully submitted that all of the claims are now in condition for allowance.

D. New Claims

Claims 12-16 depend from claim 5, and are similarly believed to be allowable.
Support for these claims may be found in FIGS. 4 and 5 of the original specification.

Claim 17 depends from claim 1, and is similarly believed to be allowable. Support for this claim may be found in FIG. 3A through FIG. 5 of the original specification.

Claims 18-24 present the invention in method form, and are believed to be allowable. Support for these claims may be found in FIGS. 3A through 5 of the original specification.

E. Conclusion

Since the cited prior art references neither anticipate nor render obvious the subject invention as presently claimed, applicants respectfully submit that claims 1-24 are now in condition for allowance, and a notice to that effect is respectfully requested.


If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

In view of the foregoing amendments and remarks, reconsideration of this application is earnestly solicited, and an early and favorable further action upon all the claims is hereby requested.

Respectfully submitted,

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Date: July 18, 2005


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PETITION and
DEPOSIT ACCOUNT CHARGE AUTHORIZATION

This document and any concurrently filed papers are believed to be timely. Should any extension of the term be required, applicant hereby petitions the Director for such extension and requests that any applicable petition fee be charged to Deposit Account No. 50-1645.

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1645.

Any additional fee(s) necessary to effect the proper and timely filing of the accompanying-papers may also be charged to Deposit Account No. 50-1645.